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**SB 547 - Parenting Plan
Common Questions**

What is the goal of a Parenting Plan?

A parenting plan seeks to help divorcing parents "meet their responsibilities to their children through cooperative (custody) arrangements in the parenting plan, rather than by relying on judicial intervention."

In the current Child Custody Act, the law seems to assume there will be a child custody dispute since there is no formal process to steer couples toward a cooperative resolution.

How do Parenting Plans differ from what we have today?

Parenting plans differ from what we have today in two significant ways. First, the new legislation will allow a couple to develop a plan without indicating either couple having legal or physical custody of the child. This will minimize the idea of one parent having control over the child at the expense of the other.

Second, a couple can develop a parenting plan without using an attorney. Our legal system today, whether in practice or perception, is often considered an adversarial process that produces winners and losers. While that may be fine in a criminal or corporate lawsuit, it only increases the devastation to a hurting family and the children are the ones who suffer the most. A parenting plan allows a divorcing couple to decide parenting issues in non-combative setting. One state, Nebraska, prohibits an attorney from participating in the development of a Parenting Plan if one of the parents is a client.

Does this protect the best interests of the child?

A judge must ensure that the parenting plan is in the child's best interest and that it provides for the child's care in a "manner that closely approximates" the care of the child prior to the parents filing for divorce.

Do parents have to work together if there is domestic violence?

If there is evidence that either parent has committed domestic violence, then each parent may submit their own Parenting Plan to the court.

What about financial assets, pension funds or real estate settlements?

The parenting plan does not address financial settlements in a divorce. Assets such as savings accounts, pension plans, personal property and real estate will need to be settled in a different setting with attorneys.

What if a couple can't reach an agreement?

The parenting plan does not eliminate the current Child Custody Act. If a couple cannot agree on a parenting plan, their attorneys will simply fight for custody as they do under current law.

Will Parenting Plans reduce burdens on our court system?

Parenting plans should help to reduce the burdens on our courts. Typically, a court may hold numerous hearings on custody issues at the time of divorce and in the years that follow. By focusing on cooperation, minimizing conflict and encouraging nontraditional methods of resolution, it is believed that courts will have fewer cases.

Does the Parenting Plan Teach Parents How to Complete a Plan?

The parenting plan legislation is being introduced in conjunction with a new divorce effects program. Each couple will go through the divorce effects program to minimize the impact of divorce on their minor children and then develop a parenting plan. Programs or individuals that are qualified to provide the divorce effects program will assist parents in developing their plan. Attorneys will be able to assist parents in developing parenting plans as well.

Do other states have Parenting Plans?

This legislation is similar to the Parenting Act introduced in the state of Washington in 1987. That state's program is often regarded as a model for other states. In 1998, Washington undertook a ten year review of their Parenting Act. Released in 1999, that study made important findings which could help Michigan.

The study showed there was strong support for the goals of parenting plans. Specifically, both parents and professionals liked a process that encouraged cooperation, the involvement of both parents, flexibility for individual families and a focus on the best interests of the child.

Many other states require parenting plans.